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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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|---------------------------|---|
| Proceeding | 91173189 |
| Party | Defendant Logniko, Igor |
| Correspondence Address | Richard S. Ross, Esq. 4801 South University DriveSuite 237 Ft. Lauderdale, FL 33328 UNITED STATES prodp@ix.netcom.com |
| Submission | Answer |
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| Date | 03/13/2008 |
| Attachments | opp13.il.pdf (4 pages)(35990 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of application Serial No. 78/612,360 TEMPLATEMONSTER

MONSTERCOMMERCE, LLC

Opposer,

v

Opposition No. 91173189

IGOR LOGNIKOV

Applicant.

_____ /

**APPLICANT’S ANSWER AND AFFIRMATIVE DEFENSES TO SECOND AMENDED
NOTICE OF OPPOSITION**

COMES NOW, the Applicant, IGOR LOGNIKOV (“Lognikov”), by and through his undersigned counsel, who respectfully answers the Second Amended Notice of Opposition of Opposer, MONSTERCOMMERCE, LLC (“MC”), and states as follows:

1. Lognikov does not have sufficient information to admit or deny the allegations of MC as they relate to this paragraph, and therefore denies the same.
2. Lognikov does not have sufficient information to admit or deny the allegations of MC as they relate to this paragraph, and therefore denies the same.
3. Paragraph 3 does not allege any fact; to the extent it does, denied.
4. Denied.
5. Lognikov does not have sufficient information to admit or deny the allegations of MC as they relate to this paragraph, and therefore denies the same.
6. Lognikov does not have sufficient information to admit or deny the allegations of MC as they relate to this paragraph, and therefore denies the same.

7. Lognikov does not have sufficient information to admit or deny the allegations of MC as they relate to this paragraph, and therefore denies the same.
8. Lognikov does not have sufficient information to admit or deny the allegations of MC as they relate to this paragraph, and therefore denies the same.
9. Lognikov does not have sufficient information to admit or deny the allegations of MC as they relate to this paragraph, and therefore denies the same.
10. Admit.
11. Denied.
12. Denied as stricken.
13. Denied.
14. Denied.
15. The document speaks for itself.
16. Admitted.
17. Admit to the filings, but denied that the court ever entered an order of contempt against any defendants.
18. The document speaks for itself.
19. The document speaks for itself.
20. The documents speak for themselves.
21. To the extent understood, denied.
22. Denied, except admitted that Lognikov does not operate the website.
23. Denied.
24. Denied.

- 25. Denied.
- 26. Denied.
- 27. Denied.
- 28-33. Denied as stricken.

AFFIRMATIVE DEFENSES

- 1. The Second Amended Notice of Opposition fails to state a claim upon which relief can be granted.
- 2. MC is barred from filing or prosecuting the Second Amended Notice of Opposition pursuant to the defense of equitable estoppel, in that MC has had an active business relationship with since at least as early as 2002, when MC purchased product from www.templatemonster.com, and later, in 2003 became an affiliate of www.templatemonster.com, with the account being registered to the then president of MC, Ryan Noble, whose e mail address, at all relevant times, was ryan@monstercommerce.com.
- 3. The Corbis and the Corbis Action court were at all times aware of the pending trademark application to Lognikov.
- 4. The TTAB lacks subject matter jurisdiction over the Second Amended Notice of Opposition.
- 5. MC has committed fraud in connection with this Second Amended Notice of Opposition by alleging ownership of the cited registration, and/or the “MONSTER Family of Marks” in that, at the very least, it is not the owner of MONSTERLOCAL (U.S. Application Serial No. 76/658,138), and MONSTERMARKETPLACE, U.S. Reg. No. 3,361,201, as both marks are identified by the United States Patent and Trademark Office as being owned by Network Solutions LLC; and as a result of this fraud, MC has committed unclean hands.

Respectfully submitted,

s/Richard S. Ross, Esq.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by United States Postal Service first class regular mail, and addressed to counsel for the Opposer:

Brian J. Winterfeldt
Tricia McDermott Thompkins
Ballard Spahr Andrews & Ingersoll, LLP
601 13th Street, NW,
Suite 1000 South
Washington, DC 20005

this 13th day of March, 2008.

s/Richard S. Ross, Esq.
Richard S. Ross, Esq.